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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
FITZGERALD, JOHN P	
ART UNIT	PAPER NUMBER
3637	

DATE MAILED: 05/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/067,129	HENDRICKS ET AL.	
	Examiner	Art Unit	
	John P Fitzgerald	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 March 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) *13-17 and 23-32* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12 and 18-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *13-17 and 23-32* are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 April 2002* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *2* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Election/Restrictions

1. Claims 13-17 and 23-32 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 5.

2. Applicant's election with traverse of species of Figures 1, 2, 3a, 3b, 5a and 5b in Paper No. 5 is acknowledged. The traversal is on the ground(s) that all base structures are susceptible for use with the table top of Figures 5a and 5b, and should accordingly be all examined together. This is not found persuasive because the non-elected base frames are not obvious variants of the base frame elected in Figures 2, 3a and 3b. The non-elected base frames having different structure thus necessitating a burdensome search upon the Examiner.

The requirement is still deemed proper and is therefore made FINAL.

Drawing Objections

1. The drawings are objected to due to incorrect Figure numbers. The specification refers to Figures 4, 5 and 6, but the drawings contain Figures 4a, 4b, 5a, 5b, 6a and 6b. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification Objections

2. The abstract of the disclosure is objected to because it contains the legal term "comprises." Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 8 and 12 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Namely, the claims recite the limitation "flange" with respect to the inward end of the table top support arm. The specification fails to support this recitation. However, the specification cites a "flange" located on the underside of the table top to receive the outward end of the table top support arm. Subsequently, it is unclear as to which element the claims are referring.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

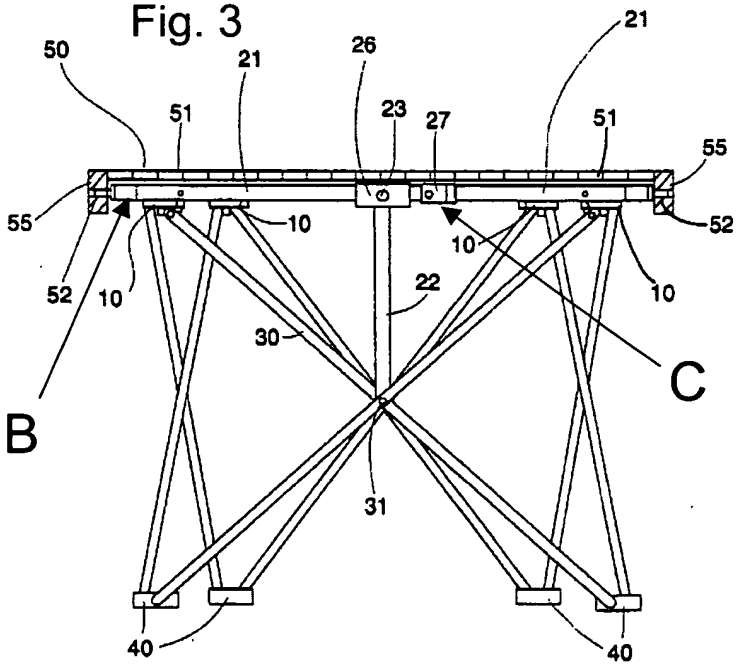
6. Claims 8-12 are rejected under 35 U.S.C. § 102(b) as being anticipated by US 6,158,361 to Zheng et al. US 6,158,361 to Zheng et al. disclose a collapsible table frame for supporting a compatible table top thereon (Figs. 1-8) the table frame comprising: a collapsible table frame body (60); first and second pairs of frame top joints (10) mounted for pivotation with respect to a top of the collapsible table frame body; first and second table top support arm assemblies (20), each table top support arm assembly comprising a pair of table top support arms (21), first and

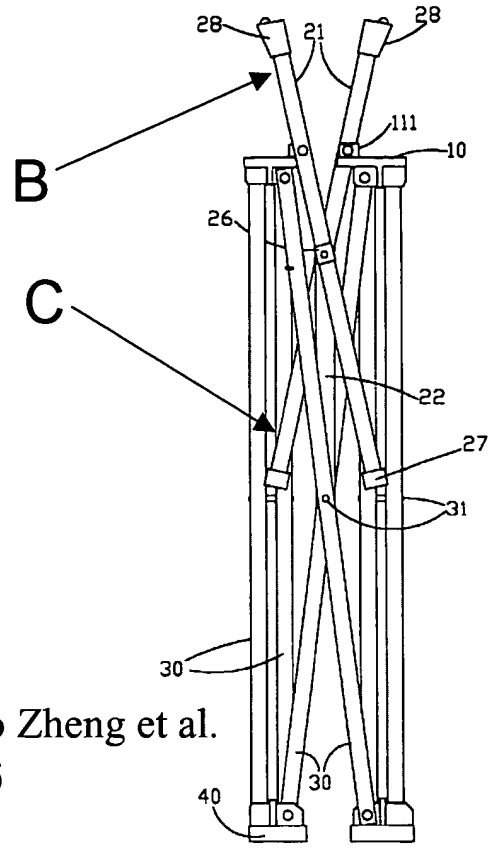
second table top support arm holders (26) , a support arm pillar (22) for supporting the respective table top support arm holders, and a pin (23) (US 6,158,361 to Zheng et al.: col. 4, lines 3-5) connecting the top support arm holders to each other and to the support arm pillar, each table top support arm on the respective table top support arm assembly having an outward end (B) extending away from the support arm pillar and an inward end proximate the support arm pillar, at least one of the support arms on each of the top support arm assembly comprising a "flange" (27) proximate the inward end of the respective support arm, whereby when the table frame is set up, the "flange" abuts and acts as a "stopper" (Fig. 2) the respective support arm holder; wherein the inward ends of each pair of the table top support arms extend inwardly to slidably connect through respective ones of the table top support arm holders of the table top support assemblies, wherein when the table frame is fully erected, the two support arms in each pair of table top support arms are parallel to each other (Fig. 1) and the respective support arms in the pair, in combination, extend in a generally straight line between respective ones of the frame joints, and wherein bottom ends of the two support arm pillars are mounted for pivotation with respect to the collapsible frame body; wherein the table top support arm holders are mounted for pivotation with respect to the respective support arm pillar thereby to enable the table top support arms to slide through (Fig. 6) (US 6,158,361 to Zheng et al.: col. 6, lines 34-42) the table top support holders; wherein in order to collapse the collapsible table frame, each table top support arm slides through a respective table top support arm holder inwardly (Fig. 6) and toward a respective top joint, and rotates about the frame top joint such that the inward end of the respective table top support arm moves downward, with the table top support arm holders in each table support assembly rotating in opposite directions as the respective table top support arms rotate and slide

inwardly and downwardly to a downward position as the table frame is collapsed (US 6,158,361 to Zheng et al.: col. 6, lines 44-51); wherein in order to erect the collapsible table frame, each table top support arm rotates about the frame top joint such that the inward end thereof moves upward and the support arm slides through a respective table top support arm holder away from a respective top joint, with the table top support arm holders in each table support assembly rotating in opposite directions as the respective table top support arms slide outwardly and upwardly as the table frame is erected, sliding movement of the table top support arms being susceptible of being arrested by the "flanges" as the table frame reaches a fully erected configuration (US 6,158,361 to Zheng et al.: col. 6, lines 52-62).

'361 to Zheng et al.

Fig. 3





'361 to Zheng et al.
Fig. 6

Claim Rejections - 35 USC § 103

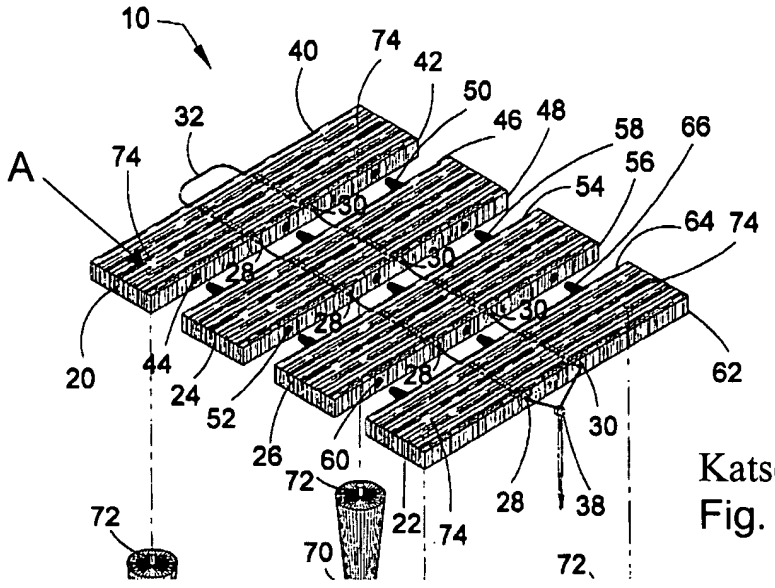
7. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

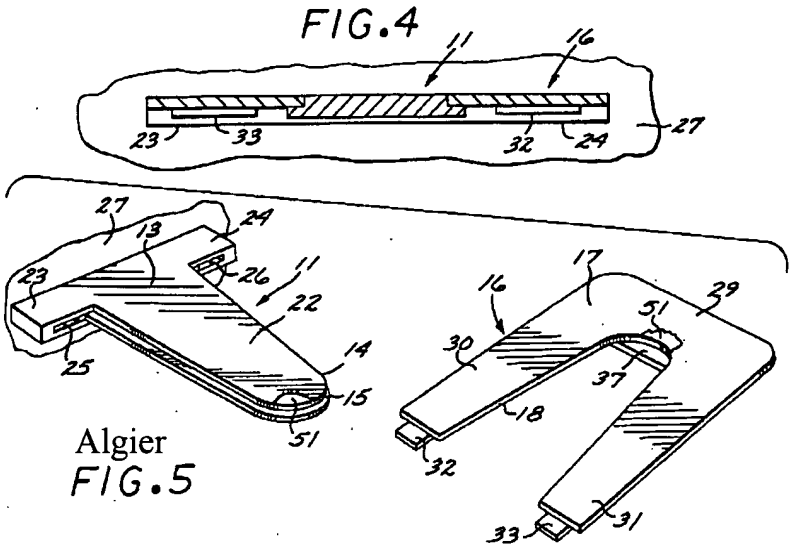
> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Katsen and Algier. Katsen discloses a table top (Figs. 1-10) having a plurality of leaf elements (20, 22, 24, 26) detachably connected to each other and lying in side by side relationship with respect to each other to form a generally continuous upper surface of the table top, the table top having a length and width, each leaf element having a length, and a respective first and second side edges,

extending along the width of the table top, and a width, and respective third and fourth opposing edges, extending along the length of the table top, the plurality of leaf elements having, in combination, interface structure (A) on ones of the leaf elements "for" mounting the table top to a compatible table frame, each leaf element further having at least one of a connector pins (50, 58, 66) or a connector receptacle hole (44, 42, 60), disposed at an intermediate location on at least one of the first and second side edges, the combination of the connector pins and connector receptacle holes comprising pin-connector combinations which are effective to releasably join the leaf elements together in forming the generally continuous upper surface, whereby a force imposed on one leaf element, including at a edge thereof, can be transferred to an adjacent one of the leaf elements through one or more of the respective pin-connector combinations; wherein end ones of the leaf elements have a first side edge bearing the pins or holes and a second side edge free from the pins or holes, and wherein intermediate ones of the leaf elements, disposed inwardly of the end leaf elements in the table as assembled, have first and second opposing side edges both bearing the pins or slots. Katsen does not expressly disclose a table top wherein the connectors are "tabs" and the connector receptacles are "slots;" wherein each leaf element having at least two of end tables and/or receptacle end slots, disposed adjacent the opposing end edges thereof; the leaf elements bearing both tabs and slots on first and second side edges thereof; wherein the end leaf elements are color coded to distinguish the end leaf elements from the intermediate leaf elements, whereby the end leaf elements can readily be visually distinguished from the intermediate leaf elements, thereby to assist in assembly of the table top. Algier teaches a table top (Figs. 1-11) having elements (13, 16) detachably connected to each other forming a generally continuous upper surface of the table top; wherein the table top

elements having end tab connectors (32, 33) and compatible end connector receptacle slots (25, 26), both located adjacent to a side edge of the table top and comprising a tab-connector combination; wherein the table top elements may be numbered or color coded, or include other indicia (Algier: col. 5, lines 24-25). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the tab-connector combination and color coding taught by Algier, modifying the table top leaf elements disclosed by Katsen, thus providing identifying marks on the table top elements so that the proper one of the detachable elements are matched with one another (Algier: col. 5, lines 28-32). In specific regards to the locations of the connector tabs and connector slots on the leaf elements, it would have been obvious to one having ordinary skill in the art at the time the invention was made to locate either connector tabs or connector slots on either side edge of adjacent leaf elements, or locating a tab-connector combination at any intermediate point along the side edges of the leaf elements, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse, 86 USPQ 70 (CCPA 1950).*





Algier
FIG.5

9. Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Katsen and Algier. Katsen discloses a table top (Figs. 1-10) having a plurality of leaf elements (20, 22, 24, 26) lying in side by side relationship with respect to each other, and joined to each other, to form a generally continuous upper surface of the table top, the table top having a length, and a width, each leaf element having a length, and a width, and a respective first and second side edges, extending along the width of the table top, and a width, and a respective third and fourth opposing edges, extending along the length of the table top, the plurality of leaf elements having, in combination, interface structure (A) on ones of the leaf elements for mounting the table top to a compatible table frame, each leaf element further having structure (50, 58, 66 and 44, 42, 60) assisting in the effecting the joinder of the leaf elements to each other in side by side relationship. Katsen does not expressly disclose a table top wherein end ones of the leaf elements and intermediate ones of the leaf elements being distinguished by one of surface texture differences and markings molded into the top surfaces of respective ones of the leaf elements, whereby the end leaf elements can readily be visually distinguishable from the intermediate leaf

elements, thereby to assist in assembly of the table top; including intermediate connector tabs and slots at intermediate locations of adjoining edges of the leaf elements and end tabs and slots at ends of the adjoining edges of the leaf elements, such that the tabs and slots, in combination, maintain a generally continuous upper surface of the table top. Algier teaches a table top (Figs. 1-11) having elements (13, 16) detachably connected to each other forming a generally continuous upper surface of the table top; wherein the table top elements having end tab connectors (32, 33) and compatible end connector receptacle slots (25, 26), both located adjacent to a side edge of the table top and comprising a tab-connector combination; wherein the table top elements may be numbered or color coded, or include other indicia (Algier: col. 5, lines 24-25). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the tab-connector combination and color coding and/or indicia taught by Algier, modifying the table top leaf elements disclosed by Katsen, thus providing identifying marks on the table top elements so that the proper one of the detachable elements are matched with one another (Algier: col. 5, lines 28-32). In specific regards to the locations of the connector tabs and connector slots on the leaf elements, it would have been obvious to one having ordinary skill in the art at the time the invention was made to locate either connector tabs or connector slots on either side edge of adjacent leaf elements, or locating a tab-connector combination at any intermediate point along the side edges of the leaf elements, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse, 86 USPQ 70 (CCPA 1950).*

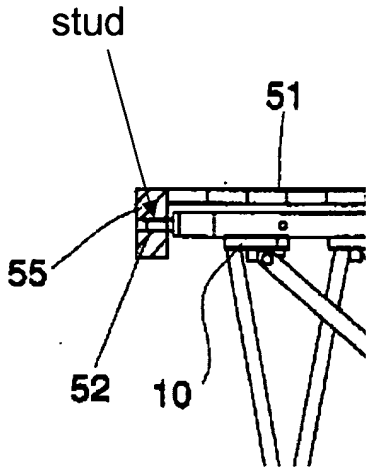
10. Claims 6 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Katsen and Algier. Katsen discloses a table top (Figs. 1-10) having a plurality of leaf elements (20, 22,

24, 26) lying in side by side relationship with respect to each other, and joined to each other, to form a generally continuous upper surface of the table top, the table top having a length, and a width, each leaf element having a length, and a width, and a respective first and second side edges, extending along the width of the table top, and a width, and a respective third and fourth opposing edges, extending along the length of the table top, the plurality of leaf elements having, in combination, interface structure (A) on ones of the leaf elements for mounting the table top to a compatible table frame, each leaf element further having structure (50, 58, 66 and 44, 42, 60) assisting in the effecting the joinder of the leaf elements to each other in side by side relationship. Katsen does not expressly disclose a table top wherein end ones of the leaf elements and intermediate ones of the leaf elements being color coded to distinguish the end leaf elements from the intermediate ones of the leaf elements, whereby the end leaf elements can be readily be visually distinguished from the intermediate leaf elements, thereby to assist in assembly of the table top; including intermediate connector tabs and slots at intermediate locations of adjoining edges of the leaf elements and end tabs and slots at ends of the adjoining edges of the leaf elements, such that the tabs and slots, in combination, maintain a generally continuous upper surface of the table top. Algier teaches a table top (Figs. 1-11) having elements (13, 16) detachably connected to each other forming a generally continuous upper surface of the table top; wherein the table top elements having end tab connectors (32, 33) and compatible end connector receptacle slots (25, 26), both located adjacent to a side edge of the table top and comprising a tab-connector combination; wherein the table top elements may be numbered or color coded, or include other indicia (Algier: col. 5, lines 24-25). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the tab-

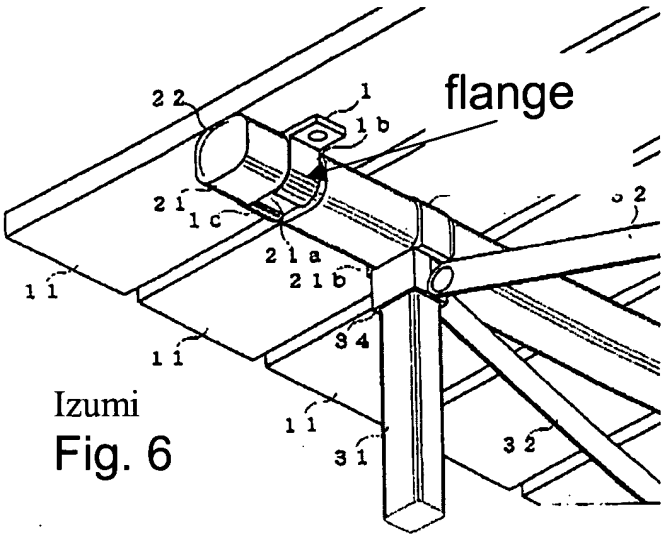
connector combination and color coding and/or indicia taught by Algier, modifying the table top leaf elements disclosed by Katsen, thus providing identifying marks on the table top elements so that the proper one of the detachable elements are matched with one another (Algier: col. 5, lines 28-32). In specific regards to the locations of the connector tabs and connector slots on the leaf elements, it would have been obvious to one having ordinary skill in the art at the time the invention was made to locate either connector tabs or connector slots on either side edge of adjacent leaf elements, or locating a tab-connector combination at any intermediate point along the side edges of the leaf elements, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse, 86 USPQ 70 (CCPA 1950).*

11. Claims 18-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US 6,158,361 to Zheng et al., Katsen and Izumi. US 6,158,361 to Zheng et al. disclose a collapsible table (Figs. 1-8) having a collapsible table frame (60) for supporting a compatible table top (50) thereon; a table top comprising a plurality of leaf elements (51) connected to each other in serial edge-to-edge relationship to form a generally continuous upper surface of the table top, the table top having first and second ends, and opposing side edges extending between the first and second ends, the table top, when assembled, comprising flanges (55) extending downwardly from the first and second ends of the table top and interfacing (Fig. 3) with the table frame so as to attach the table top to the table frame; the flanges comprising apertures (52), the frame comprising support arms (21) having studs (S) extending into and through the apertures in the flanges; the studs being extended as the frame is set up, so as to enter the apertures in the flanges, and retract away from the apertures as an inherent function of collapsing the frame. US 6,158,361 to Zheng et al. do not expressly disclose a collapsible table wherein the plurality of leaf elements forming

the surface of the table top are detachably connected to each other; the flanges extend downwardly from respective loci inwardly of the first and second ends of the table top; wherein the studs extend into and through the apertures in the flanges, and extending outwardly from the apertures beyond the flanges; the studs extending through the apertures in the flanges as the frame is set up, and retracting through the apertures as an inherent function of collapsing the frame. Katsen teaches a table top (Figs. 1-10) having a plurality of leaf elements (20, 22, 24, 26) forming a surface of the table top and which are detachably connected to each other by pin-hole combinations (50, 58, 66 and 44, 42, 60). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the table top with detachably connected leaf elements taught by Katsen, modifying the table top disclosed by US 6,158,361 to Zheng et al., thus providing a collapsible table that is light, easy to carry when collapsed, and can be quickly assembled and disassembled (Katsen: col. 3, lines 3-8). Izumi teaches a collapsible table (Figs. 1-8) having a collapsible frame including support arms (21) having studs (22) extend into and through apertures in flanges (1) extending downwardly from respective loci inwardly of the first and second ends of a table top (10); the studs also extending outwardly from the apertures beyond the flanges. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the flanges located inwardly from the first and second ends of the table top and having the studs extend through the apertures in the flanges, as taught by Izumi, modifying the collapsible table disclosed by US 6,158,361 to Zheng et al. and Katsen, thus providing a collapsible table that is erected easily and has minimum rocking (Izumi: col. 1, lines 52-57). In specific regards to claims 21 and 22, US 6,158,361 to Zheng et al.



'632 to Zheng et al.
Fig. 3



Izumi
Fig. 6

further disclose the erection and collapsing of the collapsible table wherein in order to collapse the collapsible table frame, each table top support arm slides through a respective table top support arm holder inwardly (Fig. 6) and toward a respective top joint, and rotates about the frame top joint such that the inward end of the respective table top support arm moves downward, with the table top support arm holders in each table support assembly rotating in opposite directions as the respective table top support arms rotate and slide inwardly and downwardly to a downward position as the table frame is collapsed (US 6,158,361 to Zheng et al.: col. 6, lines 44-51); wherein in order to erect the collapsible table frame, each table top support arm rotates about the frame top joint such that the inward end thereof moves upward and the support arm slides through a respective table top support arm holder away from a respective top joint, with the table top support arm holders in each table support assembly rotating in opposite directions as the respective table top support arms slide outwardly and upwardly as the table frame is erected, sliding movement of the table top support arms being susceptible of being arrested by the "flanges" as the table frame reaches a fully erected configuration (US 6,158,361

to Zheng et al.: col. 6, lines 52-62); and thus attaching the table top on the studs within the aperatures. It would have been obvious to one having ordinary skill in the art at the time the invention was made to assemble the collapsible table having a collapsible frame and table top by employing the method steps disclosed by US 6,158,361 to Zheng et al. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to assemble the collapsible table comprising the elements disclosed by US 6,158,361 to Zheng et al., Katsen and Izumi, in any manner or method.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Crane teaches a table having colored surfaces; Roesner teaches a table top having leaf elements with a textured surface; Kanki teaches a tab-connector system for attaching leaf elements side by side; Tsai et al. teach a collapsible table having flanges extending downwardly from the table top and interacting with the table frame; JP 03000009A to Ito teaches table top having tab-connector elements connecting table top segements; and SU 1683660 to Maka teaches flanges extending downwardly from a table top acting with leg structure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Fitzgerald whose telephone number is (703) 305-4851. The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai, can be reached on (703) 308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9302 before final action, and (703) 872-9327

after final action. Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-1113.

JF
05/06/2003

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600